IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 31477 of 2006(V)

PETITIONER:

S. RAJESH KUMAR,
ATTENDER, DISTRICT TREASURY, PALAKKAD.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

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1. THE DIRECTOR OF TREASURIES,
SREEKRISHNA BUILDINGS, POWER HOUSE ROAD,TRIVANDRUM

2. THE DISTRICT TREASURY OFFICER, ERNAKULAM

3. THE DISTRICT TREASURY OFFICER, PALAKKAD.

4. T.K. SIVAKUMAR,
STAMP EXAMINER, DISTRICT TREASURY, ERNAKULAM.

5. M.S. SURESH,
JT.DIRECTOR OF TREASURIES, IN-CHARGE OF DIRECTOR
OF TREASURIES, SREEKRISHNA BUILDINGS,
POWER HOUSE ROAD, TRIVANDRUM.

BY GOVT. PLEADER SRI. K.V. MANOJ KUMAR
ADV. SRI.K.JAJU BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE ORDER DT. 3.11.04 OF THE JT. DIRECTOR OF TREASURIES.

EXT.P2. COPY OF THE ORDER DT. 17.2.2005 OF THE JT. DIRECTOR OF TREASURIES.

EXT.P3. COPY OF THE ORDER DT. 27.6.06 OF APPOINTMENT OF THE 4TH RESPONDENT.

EXT.P4. COPY OF THE APPLICATION DT. 4.7.06 ISSUED BY THE 3RD RESPONDENT.

EXT.P5. COPY OF THE JUDGMENT DT. 16.8.06 IN WRIT PETITION (C) NO.17744/2006 PASSED BY THIS HONOURABLE COURT.

EXT.P6. COPY OF THE NOTICE DT. 3.10.2006 ISSUED BY THE 1ST RESPONDENT.

EXT.P7. COPY OF THE ORDER DT. 3.11.06 ISSUED BY THE 5TH RESPONDENT.

/TRUE COPY/

PA TO JUDGE.

A.K. BASHEER, J.

W.P.(C). NO. 31477 OF 2006

Dated this the 15th day of March, 2007

J U D G M E N T

Having heard learned counsel for the parties, I am satisfied that the writ petition can be disposed of in the following terms:

2. It is brought to my notice that the impugned order was not passed by the Officer, who had heard the parties. There is no dispute about this factual aspect. In that view of the matter Ext.P7 order passed by respondent No.1 is quashed.

3. Respondent No.1 shall pass fresh orders in the matter as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Needless to mention that petitioner and respondent No.4 shall be afforded sufficient opportunity to be heard before any orders are passed in the matter. If respondent No.1 is of the view that respondents 2 and 3 are also to be heard, they shall also be heard. It is made clear that I have not considered the merit of the contentions raised by any of the parties.

The writ petition is disposed of as above.

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006